

REMARKS

Applicant, his principal representatives in Germany, and the undersigned have carefully reviewed the first Office Action on the merits of February 7, 2007 in the subject U.S. patent application. A two month extension of time for response is being requested by the payment of the two month extension fee (large entity) of \$450.00 with the enclosed check No. 20031. Please charge any additional fees that may be required in connection with this submission to the deposit account No. 10-1213 of the undersigned.

As described in the Substitute Specification, as depicted in the drawings, and as recited in newly presented claim 99, the subject invention is directed to a method for supplying rolls of paper to a web-fed rotary printing machine. As may be seen in the schematic depiction of Fig. 1, the rolls of paper are initially received in a roll supply system, generally at 02. That roll supply system is depicted in more detail in Fig. 2 and includes a plurality of subsystems. The rolls are received at a material receiving device 18, where information regarding each roll is collected, such as by the use of a bar code scanner. The rolls are moved into a storage facility 21; 22; are then unpacked at an unpacking station 28 and are prepared for actual use in a roll preparation circuit 23. These prepared rolls are then fed to a daily storage facility 26;27. From there, they are individually transported to a plurality of roll changers 06 which are part of the printing press shown generally at 01 in Fig. 1.

A material flow system, generally at 05, as seen in Fig. 1, and as depicted in more detail in Fig. 3, communicates with the roll supply system 02. It also communicates with the printing press 01 and specifically with a product planning system 03 of the printing press. That product planning system, and a press management level 11, also part of the printing press provide various data inputs to the material flow system.

As may be seen in Figs. 3 and 4, the material flow system includes a planning level and

a production level. The planning level communicates with the product planning system 03 and with the press management level 11 of the web-fed rotary printing press 01. The planning level thus knows what the press is printing, how it is being printed and what is to be printed. This actual production data and planning data are transferred from the planning level of the material flow system to the coordination level of the material flow system. That coordination level, also is the part of the material flow system which is in contact with the roll supply system.

A supply strategy is developed in the planning level of the material flow system, taking into consideration information received from the press management level and from the production planning, and correlating of actual product data and product-relevant planning data. The supply strategy also takes into consideration the roll supply information presented to the planning level of the material flow system from the roll supply system, through the coordination level of the material flow system. Once the supply strategy has been developed, it is used by the coordination level of the material flow system to supply rolls from the roll storage facility of the roll storage system, using that system's roll transport subsystem. The rolls are supplied to the web-fed rotary printing press, and specifically to the roll changers of the rotary printing press where they are then employed in the operation of the web-fed rotary printing press to print the planned, desired products.

The method for the supply of rolls, in accordance with the subject invention, and as recited in newly presented claim 99, takes into consideration all of the various factors that are relevant to actual operation of the press, planned operation of the press, the availability of material; i.e. rolls to be printed, and the location and state of readiness of those rolls. All of the sources of information work together to accomplish the goal of efficient press operation.

In the first Office Action on the merits of February 7, 2007, in which the time for response is being extended until July 7, 2007, the Examiner acknowledged receipt of the

applicant's election of claims 50-70 to prosecute in this application, and the withdrawal of claims 71-98. Withdrawn claims 71-98 have now been cancelled. Applicant again expressly reserves the right to file one or more divisional applications directed to the subject matter of now cancelled claims 71-98.

Claims 50-70 have also now been cancelled in response to the Examiner's various objections to these claims under 35 USC 112, second paragraph as being indefinite. Claims 50-70 have been replaced by newly presented claims 99-116. It is believed that these newly presented claims are in compliance with 35 USC 112, second paragraph and that they particularly point out, and distinctly claim the subject matter which applicant regards as the invention.

The drawings filed with the application were objected to under 37 CFR 1.83(a). It was asserted that the management level, as recited in paragraph 020 of the Substitute Specification, and asserted as "...not specifically represented further computing and data processing units..." must be shown.

It is respectfully asserted that a complete reading of paragraph 020 of the Substitute Specification reveals that "The operating and computing units 08, together with their transverse connection, as well as further, not specifically represented computing and data processing units, form a so-called press management level II..." The operating and computing units 08 are shown very specifically in Fig. 1. Their transverse connections are also shown quite clearly in Fig. 1. They are bounded by a dashed line box, which is identified with the reference numeral 11 and its associated level line. It is thus believed that the drawings show, quite clearly, the management level 11 recited in paragraph 020 of the substitute specification. While the management level may also include other computing and data units, it is not necessary, for the purpose of illustration, that these be shown, Claim 100 recites a press management level,

which is the terminology used in paragraph 020 of the substitute specification and depicted at 11 in Fig. 1. It is thus respectfully requested that this objection to the drawings be withdrawn.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). It was asserted that reference numeral 38 has been used, in claims 69 and 70, to designate both a planning level and a coordination level. These claims have been cancelled. It is believed that the Substitute Specification, and the various formal patent drawings consistently and uniformly identify the planning level with reference numeral 38, and identify the coordination level with reference numeral 39. The Examiner's attention is directed to Fig. 4 in this respect. It is thus believed that this objection to the drawings should be withdrawn.

The Amendment which was filed on March 30, 2005, the filing date of the application, was objected to under 35 USC 132(a) as introducing new matter into the disclosure. The asserted added material, which is not supported by the original disclosure is the description of two prior art documents presented as paragraphs 007 and 008 of the substitute specification.

The undersigned respectfully but strenuously transgresses the Examiner's assertion of new matter on several bases. Initially, the Examiner's attention is directed to MPEP Section 608.04(b) which recites, in part, that "A preliminary amendment filed on the filing date of the application...is considered part of the original disclosure... For applications filed on or after September 21, 2004, the Office will automatically treat any preliminary amendment under 37 CFR 1.115(a)(1) that is present on the filing date of the application as part of the original disclosure." Since the entire application, including the Preliminary Amendment noted by the Examiner, was filed on March 30, 2005, the Preliminary Amendment is part of the original disclosure of the application. Something that was present in the application, on the filing date of the application is not "added material that is not supported by the original disclosure. 37 CFR 1.15(a)(1) and MPEP 608.04(b) specifically state that a preliminary amendment which is

present on the filing date of the application is part of the original disclosure of the application.” If any such material is part of the original disclosure of the application, how can it be not supported by the original disclosure, as asserted by the Examiner. The simple answer is that the Examiner’s assertion is incorrect.

In accordance with 37 CFR 1.125(b), a Substitute Specification may be filed voluntarily by the applicant, prior to the payment of the issue fee. In the subject application, the Substitute Specification was filed on the date of the filing of the application. It was accompanied by a marked-up copy of the verified translation of the German application, which verified translation was asserted as forming the original specification of the subject U.S. patent application, as filed. In accordance with 37 CFR 1.125(b) the Substitute Specification was accompanied, in the Preliminary Amendment, by two statements made by the undersigned that the Substitute Specification contained no new matter.

The Examiner’s reliance on 35 USC 132(a) is misplaced. While that section of the statute recites that no amendment may introduce new matter into the disclosure of an application, that section of the statute is directed to the examination process of an application which is already on file. When a claim of the application has been rejected, the Office will notify the applicant of the reasons for that rejection. The applicant, if he “...persists in his claim for a patent, with or without amendment, the application shall be reexamined.” The entire content of this section of Title 35 is directed to the continued prosecution of an application, after it has been examined and rejected. No amendment which is filed, after such an examination and rejection, can introduce new matter. It is to be noted that the term “amendment,” as used in the context of 35 USC 132(a) is clearly directed to an Amendment filed well after the filing of the original application, and after a rejection of the claims. That definition of the term “amendment” does not encompass a Preliminary Amendment filed with the application and which is, by

definition in the MPEP, a part of the original disclosure.

Absent any statutes or MPEP sections, the prohibition against the addition of new matter is meant to prevent the applicant from adding additional information about the disclosed invention to the specification. If the disclosure of the invention is not sufficient to support the claims, the applicant cannot bring in additional material to add such support for the claimed invention. That is the purpose of the prohibition against the addition of new matter. In the present situation, the asserted new matter is a description of two prior art documents. These were added to the specification of the PCT application, as is apparently required under PCT practice. In the subject application, they were inserted in the section entitled "Background of the Invention," a section that already contained references to other prior art documents. It is not understood how the addition of the discussion of two prior art documents, which are not relied on as providing any support for the claimed invention, could be construed as new matter.

For all of the above reasons, it is respectfully asserted that the Examiner's holding of new matter is incorrect. The withdrawal of that incorrect holding is requested.

During a review of the Substitute Specification, in the course of the preparation and filing of the subject Amendment, several minor typographical errors were noted. These have been corrected. In each instance, the error was the omission of a space between two adjacent words. In each instance, such a space has been added. The correction of these very minor typographical errors does not constitute any new matter.

Claim 65 was objected to under 35 USC 1.75(c). That claim, as well as the rest of claims 50-70, have been cancelled in favor of newly presented claims 99-116. It is believed that these newly presented claims are in proper form.

Claims 50-70 were rejected under 35 USC 112, second paragraph, as being indefinite. As noted above, these claims have all been cancelled in favor of newly presented claims 99-

116. It is believed that newly presented claims 99-116 are in compliance with 35 USC 112, second paragraph and that they particularly point out, and distinctly claim the subject matter which applicant regards as the invention.

Claims 50-54, 56, -58, 64-66 and 68 were rejected under 35 USC 102(b) as being anticipated by U.S. patent No. 4,803,634 to Ohno et al. Claims 55, 67 and 70 were rejected under 35 USC 103(a) as being unpatentable over Ohno, as applied above, and further in view of U.S. patent No. 6,950,722 to Mountz. Claims 59, 63 and 69 were rejected under 35 USC 103(a) over Ohno in view of U.S. patent No. 6,591,153 to Crampton. Claims 60-62 were rejected under 35 USC 103(a) over Ohno in view of U.S. patent No. 5,441,214 to Kushihashi.

As indicated above, all of the claims previously pending in the subject application have been cancelled in favor of newly presented claims 99-116. For the reasons to be set forth below, it is believed that the claims now pending in the subject application are neither anticipated by Ohno nor rendered obvious to one of skill in the art over Ohno taken in view of Mountz, Crampton and/or Kushihashi.

In the primary reference to Ohno, there is shown a production process control system for use in newspaper printing. The portion of the Ohno reference depicted in Figs. 28, 29a and 29b appears to be the portion of the primary reference on which the Examiner has placed his reliance. Accordingly, the majority of the present discussion will be directed to that portion of the Ohno reference. It is however to be noted that the thrust of the Ohno reference is to the provision of a system that includes a plurality of subsystems, all of which are linked with each other via a ring-like data highway network. As may be seen in Fig. 1, all of the various systems are all in direct contact with the ring-shaped data highway network, generally at 1, with the exception of the materials and maintenance control subsystem 8 which is connected to the ring-shaped data highway network through a production process control computer 1.

In the subject invention, as recited in newly presented claim 99, and as depicted in the various drawings of the subject invention, the roll supply system 02 is in contact with a coordination level 39 of the material flow system 05 but is not in contact with the planning level of the material flow system. All of the subsystems which are involved in the roll supply system 02 do not communicate with the planning level 38 of the material flow system. Newly presented claim 99 recites that the material flow system has a planning level and a coordination level. The roll supply system is controlled by the coordination level which also receives stock data from the roll storage facility, which is a part of the roll supply system. A product planning system, which includes production-relevant planning data regarding printing productions in the web-fed rotary printing press, and actual production data in the web-fed rotary printing press are both fed to the material flow system and specifically to a planning level in the material flow system. A roll supply strategy is developed in the planning level of the material flow system using the stock data from the roll storage facility, which has traveled through the coordinating level of the material flow system, as well as the planning data regarding pending production and the actual production data, which were both supplied directly to the planning level from the product planning system and from the web-fed rotary printing machine.

The device described in the Ohno reference does not operate in a method that is the same as, or that is similar to the method of operation which is recited in newly presented claim 99. While the Examiner has asserted that Ohno shows a control system in the combination of elements 3100 and 3100, that assertion does not anticipate or render obvious the method recited in currently amended claim 99. In Ohno, the element 3100 is recited as being a feeding control CPU. Its function is to receive information regarding the quantity of paper cores recovered; the quantity of newsprint on standby, by size; and information on web breakage and clogging from the printing press. The feeding control CPU 3100 shares information with the

newspaper roll change control CPU 3101; the host CPU 3104 and the feeding unit control device 3105. It does not appear that there is any facility in Ohno to also coordinate production planning with a separate planning level of a material flow system. In Ohno, the host CPU 3104 places orders for newspaper rolls and supplies and send information necessary for the present day's printing to the feeding control CPU 3100. The host CPU 3104 also receives information regarding the availability of newspaper rolls from the feeding control CPU.

Ohno does not show, or suggest the provision of a material flow system, such as the system 05 of the subject invention. In the claimed material flow system 05 of the subject invention, the coordination system is the interface with the roll supply system 02 and is also in contact with the planning level. It is that separate planning level/coordination level device of the material flow system of the present invention which is one of the key features that is missing in the Ohno reference.

As discussed at Column 26, lines 26-28 of Ohno, the host processor 3104 transmits information required for printing on any given day. In response, the feeding control CPU 3100 sets the quantity and size of newspaper rolls required. That information is sent to the feeding unit control device 3105. The newspaper roll storage CPU 3101 controls the newsprint rolls that are delivered to the newspaper roll preparation flow from the warehouse.

The Ohno reference does not teach or suggest any type of provision of a material flow system having both a planning level and a separate coordination level. At best, the Ohno device supports the provision of a coordination level. All of the discussion in Ohno is directed to the current day's production and to the supply of rolls of newsprint based on the current day's production. Claim 99 of the subject application specifically requires a planning level that is separate from the coordination level. That planning level is used to develop a supply strategy by use of production-relevant planning data regarding pending productions of the web-fed rotary

printing press, as well as actual production data and stock data. Once the supply strategy has been developed, the rolls can be supplied to the web-fed rotary printing press from the roll storage facility by use of the roll transport system.

In the system recited in newly presented claim 99, there is a differentiation between the providing of a coordination level and the providing of a separate planning level, both in the material flow system. The asserted system of Ohno, as suggested by the Examiner; i.e. the elements 3100 and 3101 do not anticipate, or render obvious the two separate levels recited as comprising the material flow system of the subject invention. In Ohno, the planning and the coordination are provided in the three elements 3100, 3101 and 3104. If the element 3100 of Ohno could be compared with the planning level described in the subject application, the preparation control device 3102 of Ohno would be connected to that planning level. As seen in Fig. 4 of the subject invention, the roll preparation circuit 23 is controlled by the coordination level 39, not by the planning level 38. Ohno does not teach or suggest a separate planning level, as described in the subject application, and as set forth in newly presented claim 99.

The newly presented dependent claims 100-116, which depend, either directly, or indirectly from believed allowable, newly submitted claim 99 are also believed to be allowable. They recite features that are not described or depicted in Ohno. As indicated above, these claims are also believed to be in proper form and to comply with 35 USC 112, second paragraph.

The secondary references cited and relied on by the Examiner in the rejection of various ones of now cancelled claims 50-70 have all been reviewed. Since all of the claims against which they were cited have been cancelled, it is believed that the rejections based on these references have been overcome. Several comments are believed to be appropriate. In the Mountz patent, No. 6,950,772, there is described an inventory system for use in material

handling using mobile trays. Crampton is directed to a system for scheduling manufacturing services that is usable in the manufacture of cigarettes and involves tobacco, cigarette paper and filter material. The patent to Kushihashi is directed to a paper web reservoir apparatus but again is usable with a cigarette rod forming machine. It is highly doubtful that a user of a printing press system would be inclined to search in the area of cigarette manufacturing or in the area of order fulfillment to provide any teachings which could be used in the environment of a method for supplying rolls to a web-fed rotary printing press. It is quite clear that none of these secondary references provide the teachings of newly presented claim 99 that are absent from the Ohno reference. It is accordingly believed that the claims pending in the subject application are patentable over the various references cited and relied on by the Examiner, taken either singly or in combination.

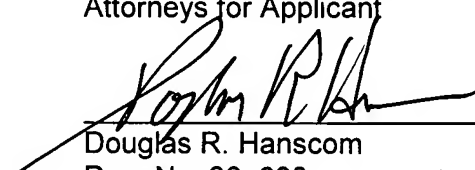
SUMMARY

Original claims 1-98 have all been cancelled. New claims 99-116 have been added. A two month extension of the time set for response has been requested. It is believed that the claims now pending in the subject application are patentable over the references cited and relied on by the Examiner, taken either singly or in combination. Allowance of the claims, and passage of the application to issue is respectfully requested.

Respectfully submitted,

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